IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.212 OF 2005

Mr.Godfrey Maxim Saldhana & Anr. ...Petitioners

Versus

Mrs.Indu Bhatia & Ors. ...Respondents

.....

Mr.Nitin Gangal for Petitioners.

Mr.Nakhwa, A.G.P. for Respondents 4 to 6.

Respondent No.1 Mrs.Indu Bhatia is present.

Respondent No.2 Mr.Rakesh Somiya is present.

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CORAM: A.M.KHANWILKAR, J.

MARCH 23, 2006.

P.C.

1. Pursuant to order passed on March 8, 2006, bailable warrants were issued to Respondents 1 and 3. The Respondent No.1 is present in Court. Respondent No.2 is also present in Court. They have tendered unconditional apology. Besides, they states that the Petitioners have already been admitted as members of the Society.

2. In the circumstances, the main grievance about non-compliance of the order of this Court does not survive any more. That, however, does not mean that the Respondents have not breached the order passed by this Court. However, as the Respondents have appeared before the Court in person and tendered unconditional apology and have purged the contempt, nothing further requires to be done in the Petition.

3. In the circumstances, this Petition is disposed of.

4. Counsel for the Petitioners points out that the Petitioners have deposited sum of Rs. 70,000/- (Rupees Seventy Thousand) in this Court. However, as per the communication received from the Society, the Petitioners are liable to pay only sum of Rs.32,520/- (Rupees Thirty-two Thousand Five Hundred Twenty) to the Respondent Society and they have no objection if the Respondent Society is allowed to withdraw that amount lying in this Court. That request is accepted. Besides, the

Petitioners are permitted to withdraw the excess amount which has been deposited in this Court over and above the sum of Rs.32,520/- (Rupees Thirty-two Thousand Five Hundred Twenty) along with accrued interest, if any.

5. Notices issued to the Respondents are discharged. Bailable warrants, if issued, not to be acted upon.

A.M.KHANWILKAR, J.